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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,601	01/09/2002	David John Weaver	RCA 88813	6446

7590 05/16/2006

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,601

Applicant(s)

WEAVER ET AL.

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communication filed on February 22, 2006. New Claims 12 – 17 have been added. Claims 1 – 5, 7 – 10 and 12 – 17 are pending.

Specification

2. The new title that is clearly indicative of the invention to which the claims are directed is accepted.

Drawings

3. The drawings were received on February 22, 2006. These drawings are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7, 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 13 and 15 recite the limitation "decrypting an encrypted part of the content" and "decrypting the downloaded content" in the claim limitation. There is insufficient antecedent basis for this limitation in the claim.

The independent Claims 1, 10 or 17, do not disclose that content is encrypted.

Response to Remarks/Arguments

5. Applicant's remarks/arguments filed on February 22, 2006, with respect to Claims 1 – 5, 7 – 10 and 12 – 17, have been fully considered but they are not persuasive.

Referring to the previous Office action, Examiner had cited relevant portions of the references as a means to illustrate the system as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims.

6. Chan et al. (U.S. Patent Number 6,233,683), teaches a system for providing confidential information wherein a privileged application can approve initialization and personalization, by invoking the security domain's cryptographic service. Furthermore, Chan teaches that an application, which is loaded, can be associated with a security domain and the application installed may optionally be associated with the security domain for the purpose of loading confidential personalization data to those applications using security domain keys.

Regarding independent Claim 1, Applicant argues that Chan does not teach "verifying that the entitlement information contained in the card is correct for receiving the content", and "... receiving the reusable content from the server via the terminal in response to the verification; storing the reusable content in response to the verification,

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and verifying that the entitlement is correct of reuse when reuse of the content is attempted ...". These arguments are not persuasive.

Chan teaches, "verifying that the entitlement information contained in the card is correct for receiving the content", and "... receiving the reusable content from the server via the terminal in response to the verification; storing the reusable content in response to the verification, and verifying that the entitlement is correct of reuse when reuse of the content is attempted ..." (Column 3 lines 38 – 45 and Column 12 lines 14 – 67) wherein, Chan teaches the confidential personalization (entitlement) information contained in the card is verified and the application (content) is installed. Furthermore, Chan teaches if the application is already loaded (reuse of content) then the loaded application invokes the cryptographic service to decrypt the associated application. At each instance the verification that the content is correct of reuse is rechecked.

Applicant clearly has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims 1, 10 and 14. Dependent claims 2 – 5, 7 – 9, 12, 13 and 15 – 17 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action.

Accordingly, the rejection for the pending Claims 1 – 5, 7 – 10 and 12 – 17 is respectfully maintained.

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Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 5, 7 – 10 and 12 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (U.S. Patent Number 6,233,683).

Regarding Claim 1, Chan teaches receiving content broadcast from a server
(Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

verifying that an entitlement contained in the integrated circuit card is correct for
operatively receiving the content (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

receiving the reusable content from the server via the terminal in response to the
verification (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

storing the reusable content in response to the verification, and verifying that the
entitlement is correct for reuse when reuse of the content is attempted (Column 3 lines
38 – 45 and Column 12 lines 14 – 67).

Regarding Claim 10, Chan teaches a terminal, communicatively coupled to the
server, having a processor for processing the download of the content from the server,
a memory for receiving the downloaded content and an integrated circuit card interface
circuit (Column 3 lines 38 – 45; Column 4 line 52 – Column 5 line 51 and Column 12
lines 14 – 53);

wherein an integrated circuit card, coupled to said interface circuit, provides an
entitlement message enabling said terminal to download the content from a server, the
integrated circuit card containing an entitlement database for storing a plurality of
entitlements (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

and wherein the integrated circuit card provides an entitlement message enabling
said terminal to reuse the content from a server (Column 3 lines 38 – 45 and Column 12
lines 14 – 46).

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Regarding Claim 17, Chan teaches a receiver communicatively coupled to a server and adapted to receive reusable content from the server (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

an integrated card interface adapted receive an integrated circuit card (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

a memory (Column 3 lines 38 – 45 and Column 4 lines 52 – 61);

a processor coupled to the receiver, the integrated card interface, and the memory, the processor enabling reusable content from the server to be received and stored in the memory in response to entitlement information received via the integrated card interface, the processor enabling reuse of the reusable content stored in memory in response to entitlement information received via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Claim 2 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the content is a software application (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claim 3 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the content is multimedia content (Column 5 lines 17 – 51).

Claims 4 and 12 are rejected applied as above in rejecting Claims 1 and 10. Furthermore, Chan teaches wherein the integrated circuit card contains preloaded entitlements authorizing said handling of the content (Column 5 line 52 – Column 6 line 19).

Claim 5 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein at least one said entitlement is loaded into the integrated circuit card from the server (Column 8 lines 10 – 54).

Claim 8 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches updating an entitlement database on said integrated circuit card after an entitlement is used to download said content (Column 7 line 51 – 65).

Claim 9 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches downloading an entitlement for a desired content; and storing said downloaded entitlement into said integrated circuit card (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claims 7, 13 and 15 are rejected applied as above in rejecting Claims 1, 10 and 14. Furthermore, Chan teaches decrypting an encrypted part of the content from the server as a function of the entitlement when one of use and reuse of the content is attempted (Column 12 lines 14 – 53).

Claim 16 is rejected applied as above in rejecting Claim 14. Furthermore, Chan teaches a transmitter coupled to the processor adapted to transmit a request for new entitlement information to an entitlement server (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Claim 17 is rejected applied as above in rejecting Claim 14. Furthermore, Chan teaches the processor adapted to cause the new entitlement information received via the receiver to be transmitted to an attached integrated circuit card via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

May 13, 2006.


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